

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv576

**PRECISION LINKS INCORPORATED,)
Plaintiff,)
vs.) O R D E R
USA PRODUCTS GROUP, INC. and)
HOME DEPOT U.S.A., INC.,)
Defendants.)
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THIS MATTER is before the Court *sua sponte* to advise the parties of the format to be followed during the Markman¹ hearing presently scheduled for June 10, 2010.

In accordance with the Scheduling Order [Doc. 24], the parties have now filed their respective motions for claim construction and rebuttal briefs. The hearing will proceed with the following format:

1. The Plaintiff shall proceed first and shall be limited to a total time of ninety (90) minutes which shall be divided as follows:

¹Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996).

- a. a brief opening statement;
 - b. a tutorial on technology as it relates to the patents under consideration; and
 - c. discussion of the disputed claim terms which are to be addressed one at the time.
2. The Plaintiff may rely on argument, PowerPoint presentation and/or the testimony of live witnesses. However, all such presentations are limited to an aggregate total of ninety (90) minutes. In the event that the Plaintiff desires to make a PowerPoint presentation, counsel must provide the Court with a notebook containing a hard copy of the PowerPoint slides at the time of the hearing, except that such notebook need not contain additional copies of exhibits that are duplicative of exhibits already filed in connection with the pending motions. In the event that the Plaintiff presents live testimony, the Defendants' cross-examination of the witness, if any, will count toward Defendants' total time of ninety minutes as set out below.
3. The Defendants will then make their presentation in the same format and with the same conditions. The ninety (90) minute time period for the Defendants will be reduced by the time spent by the Defendants

in cross-examination of any witness presented by the Plaintiff. The Plaintiff may cross-examine any live witness of the Defendants if and only to the extent that they reserved a portion of their original ninety (90) minutes for such purpose. In order to make a determination as to the allocation of time, the parties shall inform each other at least twenty-four (24) hours in advance of the scheduled beginning of the Markman hearing whether they intend to present any testimony at the hearing, and the identities of any such witnesses.

4. After the above presentations, each side will be allowed to make a closing statement, if desired, not to exceed thirty (30) minutes.
5. No further filings in this matter will be allowed absent prior permission until such time as the Court has rendered a claim construction decision.

IT IS SO ORDERED.

Signed: May 22, 2010



Martin Reidinger
United States District Judge

